

REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

The Examiner rejects claims 31-61 under 35 U.S.C. 101, as being inoperative and therefore lacking utility. Particularly to embodiments 10 and 90 as being well-known in the art that the electrical energy sent through cable 18 or 101 does not resonate at acoustic frequencies.

Additionally, the Examiner rejects claims 31-33,38,42,45-48,56,58-61 under 35 U.S.C. 102(b), as being fully met by the VansEvers '611 patent. Furthermore, the Examiner also rejects claims 31-33,57,58 under 35 U.S.C. 102(b), as being fully met by the Liao '195 patent.

In order to expedite the prosecution of this application, claims 31-61 have been canceled without prejudice or disclaimer of subject matter thereof. New claims 62-83 have been added to more definitely point out and distinctly claim the subject matter which applicant regards as the invention, and to overcome the 35 U.S.C. 101 and 35 U.S.C. 102 (b) rejections.

The Applicant respectfully requests the Examiner to reconsider the rejection of claims 31-61 under 35 U.S.C. 101, since claims 31-61 have been cancelled and newly added claims 62-83 do not claim a cable or an insulated wire. Furthermore, the Examiner's rejection of claims 31-61 under 35 U.S.C. 101 may have been in error since only dependent claim 32, independent claim 59 and dependent claim 61 were the only claims that claim a cable or insulated wire, which the Examiner indicated as the basis for the 35 U.S.C. 101 rejection. The newly added claims 62-83 do not claim a cable or wire and therefore the newly added claims should overcome the 35 U.S.C. 101 rejection.

The embodiment 10, as described in page 6, paragraph [0117] of the above mentioned application, can grip a signal cable 18 or other members of a host component. Paragraph [0041] disclose a host component as being, but are not limited to, musical instruments, and/or vibration-conducting connecting cables used with powered

microphonic audio equipment, and/or microphonic cables, and/or other passive microphonic devices. The Examiner also made particular reference to embodiment 90. The claims describing embodiment 90 have been cancelled, and thus the 35 U.S.C. 101 rejection to embodiment 90 is no longer valid. The above discussion should be fully responsive to the Examiner's 35 U.S.C. 101 rejection.

The newly added claim 62 includes the claimed invention of cancelled claims 31 and 34, whereby the claimed invention of cancelled claim 34 was not fully met by the VansEvers '611 or the Liao '195 patents, as stated in the Examiner's remarks in the above mentioned Office Action. As mentioned above, the newly added claim 62, in independent form, and all newly added dependent claims 63-66, clearly point out and distinctly claim the subject matter which the applicant regards as the invention and therefore, with respect, should be in condition for allowance.

The newly added claim 67 includes the claimed invention of cancelled claims 31, 38 and 39, whereby the claimed invention of cancelled claim 39 was not fully met by the VansEvers '611 or the Liao '195 patents, as stated in the Examiner's remarks in the above mentioned Office Action. As mentioned above, the newly added claim 67, in independent form, and all newly added dependent claims 68-71, clearly point out and distinctly claim the subject matter which the applicant regards as the invention and therefore, with respect, should be in condition for allowance.

The newly added claim 72 includes the claimed invention of cancelled claims 31, 42 and 43, whereby the claimed invention of cancelled claim 43 was not fully met by the VansEvers '611 or the Liao '195 patents, as stated in the Examiner's remarks in the above mentioned Office Action. As mentioned above, the newly added claim 72, in independent form, and all newly added dependent claims 73-75, clearly point out and distinctly claim the subject matter which the applicant regards as the invention and therefore, with respect, should be in condition for allowance.

The newly added claim 76 includes the claimed invention of cancelled claims 31, and 49, whereby the claimed invention of cancelled claim 49 was not fully met by the VansEvers '611 or the Liao '195 patents, as stated in the Examiner's remarks in the

above mentioned Office Action. As mentioned above, the newly added claim 76, in independent form, and all newly added dependent claims 77-81, clearly point out and distinctly claim the subject matter which the applicant regards as the invention and therefore, with respect, should be in condition for allowance.

The newly added claim 82 includes the claimed invention of cancelled claims 59 and 60, whereby neither the VansEvers '611 or the Liao '195 patent discloses or teaches the waiting of at least ten days after an adjustment procedure is performed before marking the first positions and extensions of a musically resonant apparatus. The VansEvers '611 patent only discloses that there is no waiting period associated with making an improvement to the tonal balance of the instrument when it is used with the present invention of the VansEvers '611 patent. Since the VansEvers '611 or the Liao '195 patents neither discloses nor teaches the waiting of a period of time after an adjustment procedure, then the newly added claims 82 and 83 are not fully met by the VansEvers '611 or the Liao '195 patents, and therefore, with respect, should be in condition for allowance.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, he is cordially invited to telephone the undersigned at 727-345-1450.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David A. Guerra", with a stylized flourish at the end.

David A. Guerra, Reg. 46,443

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On (Date) 6/17/2004 by David A. Guerra David A. Guerra